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PATENT  
PD-201023  
Customer No.: 020991

IN THE U.S. PATENT AND TRADEMARK OFFICE

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AUG 01 2003

Applicants: John Border

Appl'n. No.: 09/903,779

Technology Center 2600  
Group: 2681

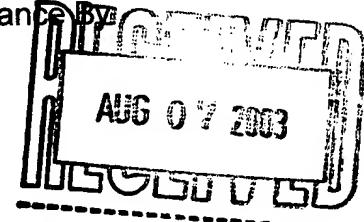
Filed: July 12, 2001

Examiner: Unknown

For: Method And System For Improving Network Performance By Utilizing Path Selection, Path Activation, And Profiles

INFORMATION DISCLOSURE STATEMENT

(SUBMISSION AFTER FILING OF AN APPLICATION  
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE  
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION)



Commissioner for Patents  
Alexandria, VA 22313-1450

July 30, 2003

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, Applicants hereby submit an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications or other information submitted for consideration by the Office are listed on PTO-1449, attached hereto.

II. COPIES (check at least one box)

a. X Submitted herewith is a legible copy of (i) each U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; and (iii) all other information or that portion which caused it to be listed.

b.        Some or all of the documents listed on the PTO-1449 are not enclosed because they were cited in the International Search Report and copies should already be in the PTO file. If copies are needed, please contact the undersigned.

III. CONCISE EXPLANATION OF THE RELEVANCE

(check at least one box)

a.        **DOCUMENTS NOT IN THE ENGLISH LANGUAGE**  
A concise explanation of the relevance of all patents, publications or other information listed that is not in the English language is as follows:

b. X **DOCUMENTS IN THE ENGLISH LANGUAGE**  
All of the patents, publications or other information are in the English language. No statement of relevancy is required.

c.        **ENGLISH LANGUAGE SEARCH REPORT**  
An English language version of the search report or action which indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3).

d.        **OTHER**  
The following additional information is provided for the Examiner's consideration.

IV. FEES

THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b):  
(check one box)

- a. within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required.
- b. within three months of the date of entry of the national stage as set forth in §1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
- c.  before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).

V. THIS IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c):  
(check one box)

before the mailing date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § 1.97(c)(1)) or before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 (See 37 C.F.R. § 1.97(c)(2)).

- a. No statement; therefore, a fee in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p).  
or  
b. See the statement below. No fee is required.

VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

The undersigned hereby states that

- a. X each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
- b.    no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
- c.    Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.

VII. PAYMENT OF FEES (check one box)

- A check in the amount of \$240.00 as required by 37 C.F.R. § 1.17(p) is enclosed for the above-identified fee.
- Please charge Deposit Account No. 50-0383 in the amount required by 37 C.F.R. § 1.17(p) for the above-indicated fee. A triplicate copy of this paper is attached.
- X No fee is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 50-0383

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-0383 for any additional fees required under 37 CFR §1.16 or under §1.17; particularly, extension of time fees.

Respectfully submitted,

By:   
Craig Plastrik  
Reg. No. 41,254

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Enclosures:  PTO-1449  
 References  
 International Search Report  
 Fee  
 Other:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on: July 30, 2003.

  
Ginger Fogle

FORM PTO 1449 (modified) U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE LIST OF REFERENCES CITED BY APPLICANT(S) (Use several sheets if necessary) DATE SUBMITTED TO PTO: <u>July 30, 2003</u>			ATTY DOCKET NO.		APPLICATION NO.			
			PD-201023		09/903,779			
			APPLICANT			John Border et al.		
			FILING DATE			GROUP		
July 12, 2001			2681					
U.S. PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
1								
2								
3								
4							<b>AUG 01 2003</b>	
5								
6							<b>Technology Center 2600</b>	
7								
8								
FOREIGN PATENT DOCUMENTS								
*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES/NO/ABS	
9		WO 98/58474	23-12-98	PCT				
10								
11								
12								
OTHER DOCUMENT(S)								
*EXAMINER INITIAL		AUTHOR, TITLE, DATE, PERTINENT PAGES, ETC.						
13		R. Braden, D. Clark, S. Shenker, "Integrated services in the internet architecture an overview", Network Working Group Request for Comments: 1633, Category: Informational, June 1994 (1994-06), XP-002960148, pages 1-34						
14		"Policy-Based Routing, Policy-Based Routing Data Forwarding", CISCO WHITE PAPER, July 3, 2000 (2000-07-03), XP-002241435, pages 1-15						
15		BARZILAI T P ET AL: "Design And Implementation of an RSVP-Based Quality of Service Architecture for an Integrated Services Internet", IEEE Journal on Selected areas in Communications, IEEE Inc. New York, US, vol. 16, no. 3, 1 April 1998 (1998-04-01), XP000740059, pages 397-413						
16		Xiaoqiang Chen et al. , "Evolution of ATM Internetworking" , Bell Labs Technical Journal, Wiley, CA, US, March 1997 (1997-03-21), XP00069570, Pages 82-110						
17								
18								
19								
20								
21								
EXAMINER				DATE CONSIDERED				

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.